

DUMONT JOINT LAND USE BOARD MINUTES FOR FEBRUARY 26, 2013 MEETING

MINUTES

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**February 26, 2013
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on February 26, 2013. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record*, the *Ridgewood News*, and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Michael Affrunti	P	Matthew Hayes	P
Michael Worner	A	Timothy Hickey	P	Elmer Pacia	P
William Goodman	P	Barbara Chen	P	Michael Cremin Alt # 1	P
Alfred Moriarity Alt # 2	P	Janet Masio Alt # 3	P	Mynor Frank Lopez Alt # 4	A
Chairman William Bochicchio	P				

Others: Board Attorney – Mark D. Madaio, Esq.: Marc Madaio-P
Board Engineer – Boswell Engineering: James Fordham-P
Board Planner – Neglia Engineering: Dan Kaufman-P
Board Clerk - Rosalia Bob-P

BUSINESS: Review and Approval of Business Professional Invoices

Chairman William Bochicchio states that he will sign off on these items at the end of the meeting.

BUSINESS: Approval of January 2013 Minutes

Chairman William Bochicchio states that he is tabling this item to the following month's meeting

BUSINESS: Discussion and Approval of the 2012 Joint Land Use Board Annual Report
Motion to Approve: Michael Affrunti
2nd by: Councilman Matthew Hayes

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Matthew Hayes	Y
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	Y	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarity Alt # 2	NA	Janet Masio Alt # 3	NA	Mynor Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

FORMAL: 12-02 St. Mary's Senior Residence & St. Mary's Church
Block- 905, Lot- 1.01 & Block- 905, Lot-1
Parking issues and compliance

The attorney for the St Mary's Senior Building and the Archdiocese, Donald Micelli, begins by stating to the board that there has been a resolution privately between both parties regarding the parking issues. He presents Mr. Shopshire from Shopshire Associates Traffic Engineering and Planning. Mr. Shopshire explains that he did a traffic and parking study but explains that the existing conditions of the lots are much different currently since there was work done subsequently to the report. The board attorney, Mark Madaio places the traffic study into evidence as A1. Donald Micelli explains that since the new paving and striping had been the parking on site has been expanded. He states that there are 48 spaces in the main lot, 44 spaces in the Park Avenue lot and 20 spaces in the rectory lot. He explains that there are a total of 120 spaces overall on the site to which the senior residence has 25 and the church has 95. He states that the senior housing has 30 parking stickers that were issued for the 25 spaces allocated to them. He explains that the church has agreed to give the senior residence 5 more additional spaces for their use. The senior building will have 8 spaces in a lot adjacent to their building, 17 spaces in the main lot along the fence and 5 spaces that were agreed upon in the Park Avenue lot. This will yield 30 spaces for the senior building and 90 spaces for the church which was the original number of church spaces before the work was done. They further stated that the Park Avenue parking for the seniors will only be for overnight hours. Chairman William Bochicchio requests that these 5 additional spaces be permanently granted to the senior housing building until their need for parking diminishes and their parking permits lessen. Donald Micelli states that since the project has been completed they have been placing parking restrictions and the number of permits has gone down from 37 to 30 permits.

Donald Micelli calls for a representative from the church to speak about the parking agreement. John Weiss, the Business Administrator for St. Mary's Church is called to

give testimony. Mark Madaio asks if the church has agreed to the parking proposal. Mr. Weiss states that the church has agreed to the 5 spaces in the Park Avenue lot.

Chairman William Bochicchio opens and closes the hearing to the public.

Donald Micelli calls for a representative from the senior building to speak about the parking agreement. Raymond Marzulli, the real estate property manager for the building is called to give testimony. Mr. Marzulli discusses the current and valid parking permits the building has. He states that the super's vehicles will be moved to the Park Avenue spaces along with three other tenants. Councilman Matthew Hayes asks if this will be in the tenants lease. Mr. Marzulli states that it will be a vehicle amendment to the lease. Mark Madaio asks will they be telling new residents that they cannot move in till they arrange their own parking or have no vehicle. Donald Micelli states that they are not violating anything with telling an individual that they have no parking for them. Chairman Matthew Hayes states that this could create a problem with on street parking. Mark Madaio explains that individuals will not give up their vehicles and that they will park on the street. Donald Micelli states that this is a HUD building and they provided a valid traffic study. He explains that the individuals that will be tenants, many of them don't own vehicles because this is affordable housing and they have to be from a certain income level to live there. Donald Micelli states that they will be restricting vehicles going forward. Chairman Matthew Hayes states that there is another property owner in town that restricts a no car policy in the tenant's leases.

Chairman William Bochicchio asks if the fire official would speak as to the conditions on site. Steve Cavadias, the zoning officer and fire official for the Borough of Dumont is called to give testimony. Mr. Cavadias explains that there are major issues with the parking there. He states that individuals are parking all over and people are driving threw the sidewalk areas while children are walking. He explains that the restriping was done to help the issues but that there are still many violations there. Councilman Matthew Hayes asked if the problem vehicles from the general public or residents. Mr. Cavadias states that he doesn't know whose vehicles they are. Timothy Hickey questions the numbers given in the report and tries recalling original testimony. The board planner, Daniel Kaufman explains that in the RSIS assisted living facilities and their parking ratios are generally 0.5 per unit and that's the closest this can be compared too. Chairman William Bochicchio asks if there are any more questions. Chairman William Bochicchio calls for a vote. Mark Madaio asks if they are considering this approval for parking or site plan and he asks what the board is approving. Donald Micelli states that parking is not on their site plan so it cannot amend their site plan. He states that eventually the parking permits will be brought back down to 25 permits. Phil Phreese, the building owner states that a shuttle comes to the building to take the residents out

shopping and this is provided by the county. Thomas Trank states that the town bus goes there too if a tenant calls for it.

Chairman William Bochicchio calls for a motion of the parking agreement made between both parties.

Motion to approve application: Thomas Trank
2nd by: William Goodman

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Matthew Hayes	Y
Michael Worner	NA	Timothy Hickey	Y	Elizabeth Marchese	Y
William Goodman	Y	Eric Abrahamsen	Y	Irwin Buchheister Alt # 1	Y
Alfred Moriarity Alt # 2	NA	Elmer Pacia Alt # 3	NA	Mynor Lopez Alt # 4	NA
Chairman William Bochicchio	A				

FORMAL: 13-01 29 West Quackenbush Avenue Vincent & Karen Capazzi
Block- 1215, Lot- 5
Minor site plan; change of use from a single family to a two family dwelling

Chairman William Bochicchio begins by stating that the Class I and Class III members cannot vote on this application.

The attorney for the applicant, Jerry Tyne begins by stating that the property was once a two family many years ago. He explains that the applicant is trying to convert the property back to its existing use.

Jerry Tyne calls for his first witness who is the engineer for the project, Adnan Khan. Mr. Khan states that the property is located in the B2 zone and it's a two story structure. The surrounding uses are commercial and mixed use properties. He explains that a single family use is permitted in the B2 zone and they are proposing to convert to a two family. Mr. Khan states that the property is an existing legal non-conformity. He discusses with the board all the properties bulk dimensions. Mark Madaio places into evidence the engineer's site plan as A1A and A1B. Mark Madaio explains that compared to the RA zone your either meeting conditions or the items are existing. Mr. Kahn explains that the site plan shows the existing conditions and that they are only proposing a small addition in order to access the second floor unit. Chairman William Bochicchio asks if the existing footprint will be changed. Mr. Kahn states no, that the footprint is staying as is. He explains that the existing garage is staying and there will be parking for 4 vehicles, 2 vehicles in the garage and 2 vehicles outside. He states that there will be no additional utilities added and they will have 1 meter and split the cost. Mark Madaio places into evidence the board professional's letters as B1 and B2. Mr. Kahn states that the applicant has no objection with the comments in the professional's letters to convert the existing

gravel area to green space. Mr. Tyne states that the property owner owns other properties in the surrounding area.

Jerry Tyne calls his next witness who is the property owner, Vincent Capazzi at 300 Lin Street Harrington Park. Mr. Capazzi states that the former owner told him that the hallway was interior to split the two units up and that this application will only be returning the property back to its original two family status. Chairman William Bochicchio explains that he has concerns due to the commercial property next door, that commercial trucks will be utilizing the property and this property might be used commercially. Jerry Tyne states that the commercial business will utilize the driveway at the residence but only to gain access to the backyard of the commercial property. Chairman William Bochicchio asks if the property will be sold or rented. Vincent Capazzi states that the house will be rented and that he acquired the commercial properties 8 years ago. He explains that he fixed up these properties and rehabbed them. He states that his intention with this property is to fix it up, paint, new siding and to make it more aesthetically pleasing.

Jerry Tyne calls his next witness who is the architect for the project, Jeff Schlecht. Mr. Schlecht states that he prepared the architectural plans. He details that on the first floor they will be modifying for an exterior entrance to the second floor and on the second floor they will be placing in a new kitchen. He states that these are the only modifications. Thomas Trank asks if the second floor will have 2 exits. Mr. Schlecht says no that the second floor will have egress windows.

Jerry Tyne calls his next witness who is the real estate agent for the project, Colleen Fisco. Mrs. Fisco states that she was asked to look at the property and to do comparables with the surrounding properties. She gives the board a complete accounting of all the surrounding properties, their lot dimensions and their property zoning/uses. She explains that the applicant purchases distressed properties and makes them more aesthetically pleasing for their neighborhoods. She states that she is very familiar with his work and he does things that are pleasing to the community. Jerry Tyne states that he will not give a summary but will rest on the submissions given before the board. Mark Madaio explains to the board that they are voting on a D variance, to change the use to a 2 family use. He states that the property previously had this use. He explains that the board needs to determine if the application is suited for the area, it will not be a detriment and it will not impede the zoning plan. Chairman William Bochicchio asks for the stipulation to improve the green area. Mark Madaio states they would have to get rid of the gravel area to improve the green space, create a backyard and that there will be no commercial use what so ever on this property. Jerry Tyne states that the applicant agrees to these stipulations. Chairman William Bochicchio calls for a motion.

Motion to approve application: Michael Affrunti
2nd by: William Goodman

ROLL CALL:

Thomas Trank	NA	Michael Affrunti	Y	Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elizabeth Marchese	Y
William Goodman	Y	Eric Abrahamsen	Y	Irwin Buchheister Alt # 1	Y
Alfred Moriarity Alt # 2	NA	Elmer Pacia Alt # 3	NA	Mynor Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

Motion to Adjourn: Thomas Trank
2nd by: Councilman Matthew Hayes

Minutes respectfully submitted by:
Rosalia Bob
Joint Land Use Board Clerk